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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Allen HOPPER et al.

Serial No.: 10/825,611

Examiner: Unassigned

Filed: April 16, 2004

Group Art Unit: 1626

Title: **PHOSPHODIESTERASE 4 INHIBITORS**

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

- ☒ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
 - ☐ within three months of the actual filing date of the national phase of a PCT application; OR
 - ☒ before the mailing of a first substantive office action (including after filing of an RCE).
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- ☐ a final rejection under 37 C.F.R. 1.113;

☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2); OR

☐ a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR

☐ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).

☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:

☐ a final action under 37 C.F.R. § 1.113;

☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P. § 609(B)(2); OR

☐ a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

☐ the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

☐ Each item of information contained in this information disclosure statement was a first cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).

☒ Copies of materials listed were cited in an international search report dated September 13, 2004.

☒ Copies of the materials listed are attached .

Non-English Language References

☒ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).

☐ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone

Y = document of particular relevance when it is combined with another such document

A = document defining the general state of the art

O = non-written disclosure

P = intercalated document

T = document cited to understand the theory or principle underlying the invention

E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date

D = cited in the application

L = cited for another reason

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☐ Translation of other relevant information on foreign search report

Other Information

Payment of Fees Due (If Any):

☐ A check for \$_____ covering the fee identified above is attached.

☐ Please charge to Deposit Account No. 13-3402 \$_____ for the fee identified above.

☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



Brion P. Heaney, Reg. No. 32,542
Attorney for Applicants

MILLEN, WHITE, ZELANO &
BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: MEMORY-41

Date: September 22, 2004



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

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of

2

Complete if Known

Application Number	10/825,611
Filing Date	April 16, 2004
First Named Inventor	Allen HOPPER
Group Art Unit	1626
Examiner Name	Unassigned
Attorney Docket Number	MEMORY-41

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	5,869,516		Arlt et al.	2/9/1999	
	A2					
	A3					
	A4					
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FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	B1	WO	00/66562			11/9/2000		
	B2	WO	03/087062			10/23/2003		
	B3	WO	2004/007463			1/22/2004		
	B4	WO	01/40216			6/7/2001		
	B5	EP	1 251 126			10/23/2002		
	B6	WO	01/58895			8/16/2001		
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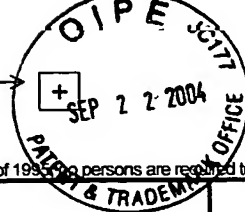
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Examiner Name	Unassigned
Attorney Docket Number	MEMORY-41

Sheet 2 of 2

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	International Search Report Dated 9/13/04	+
	C2	Written Opinion of the Int'l. Searching Authority dated 4/16/04	
	C3	Database Caplus 'Online!, Chemical Abstracts Service, Columbus, OH, US; XP002294352, Accession No. 1978:6818	
	C4	Database Caplus 'Online!, Chemical Abstracts Service, Columbus, OH, US; XP002294353, Accession No. 125:114541	
	C5	Database Beilstein, Beilstein Institute for Organic Chemistry, Frankfurt-Main, DE; XP002294354, Accession No. BRN: 7622210	
	C6	Malcolm A. HALCROW, et al., "Metal complexes of sterically hindered pyrazolylpyridines. The single crystal X-ray structure of [Cu(L ¹) ₂]BF ₄ (L ¹ = 1-{pyrid-2-yl}-3-2',5'-dimethoxyphenyl)pyrazole)", Polyhedron, Vol. 16, No. 24, pgs. 4257-4264, 1997.	
	C7	Japanese Patent Abstract No. 2001-039954, dated February 13, 2001	
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